

**LOUISIANA PUBLIC SERVICE COMMISSION**  
**MINUTES FROM MAY 13, 2009**  
**OPEN SESSION**

***MINUTES OF MAY 13, 2009 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN LAMBERT BOISSIERE, VICE CHAIR JIMMY FIELD, COMMISSIONERS FOSTER CAMPBELL, ERIC SKRMETTA AND CLYDE HOLLOWAY. ALSO PRESENT WAS EVE KAHAO GONZALEZ.***

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Open Session of May 13, 2009, convening at 9:31 A.M. and adjourning at 1:06 P.M., Natchez Room, 602 N. 5<sup>th</sup> Street, 1<sup>st</sup> Floor, Baton Rouge, Louisiana, with the above-named members of the Commission and Secretary Eve Kahao Gonzalez.

Ex. 1            Announcements

Commissioner Boissiere welcomed the new District IV Commissioner Clyde Holloway.

Commissioner Field asked that everyone keep David Kantrow and Annette Romero, two of his employees who have been called into active duty, in your prayers. Commissioner Field also announced that Peggy Lantrip will fill David Kantrow's position as his Executive Assistant in his absence.

Commissioner Skrmetta welcomed Andre Laborde back from his tour of active duty.

Ex. 2            **U-30773 - Diversion Water Co, LLC, ex parte, In re: Request for increase in water rates for its customers in Livingston, Ascension and St. Helena Parishes.**

**In re: Stipulated Agreement**

**PASSED**

Ex. 3            **U-30192 - Entergy Louisiana, LLC, ex parte. In re: Application of Entergy Louisiana, LLC for Approval to Repower Little Gypsy Unit 3 Electric Generating Facility and for Authority to Commence Construction and for Certain Cost Protection and Cost Recovery.**

**In re: Discussion and possible vote on Request of Entergy Louisiana for a Commission declaration that ELL's decision to place the Little Gypsy Unit 3 Repowering Project into a longer-term suspension of three years or more is in the public interest and therefore prudent, without prejudice to the position that any party including the Commission may wish to take regarding the timing of ELL's decisions or the recovery or manner of recovery of ELL's costs incurred in connection with the Project from its retail customers and related relief.**

On motion of Commissioner Field, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to accept the Staff Recommendation and grant ELL's motion and adopt the draft Order as filed with LEUG's requested modification, as read into the record.

Ex. 4            **Natural Gas Market Update and Forecast - Report by Professor David Dismukes (L.S.U. Center for Energy Studies)**

**At the request of Commissioner Field.**

David Dismukes gave a report on the natural gas market and answered several questions from the Commissioners.

Commissioner Field directed the investor-owned electric utilities and the Class I gas utilities to file reports with the Commission, by the June 11 Open Session, regarding the impact (if any) of today's natural gas market on their respective hedging operations.

Ex. 5            Lake Charles Cogeneration, LLC's Offer to Sell Synthetic Natural Gas to LPSC-Jurisdictional

Utilities: Report from Atmos, CenterPoint, Cleco, and Entergy Regarding Their Respective Evaluations of the Potential Ratepayer Effects.

**In re: Report from utilities regarding on-going negotiations with LCC.**

**Last month's Ex. 14**

Luke Piontek, counsel for Lake Charles Cogeneration, addressed the Commission on the status of the new proposal of the Company which will be provided to the PSC Staff when finalized for its review.

Ex. 6      Staff presentation regarding federal Cap and Trade proposals and affects on LPSC electric utilities.

**At the request of Commissioner Campbell.**

**Last month's Ex. 22**

David Dismukes gave a presentation regarding the federal Cap and Trade proposals and answered questions regarding such by the Commissioners.

Ex. 7      Presentation on Cap and Trade

Mr. Marc Morano, Executive Editor of Climate Depot, gave a presentation on global warming and Cap and Trade.

Ex. 8      1) Reports  
             2) Resolutions  
             3) Discussions

On motion of Commissioner Campbell, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to take an item up out of order.

Amanda Smith read a resolution into the record for Commissioner Campbell regarding DNR receiving federal stimulus dollars for renewable energy portfolio standard. After discussion, the Commission decided to defer this issue until next month and requested that a representative from the Department of Natural Resources attend the June Business Meeting to discuss this matter.

Ex. 9      **U-29203** - Entergy Gulf States, Inc. and Entergy Louisiana, Inc., ex parte. In re: Joint Application of Entergy Gulf States, Inc. and Entergy Louisiana, Inc. for Interim and Permanent Recovery in Rates of Costs Related to Hurricanes Katrina and Rita.

**In re: Ratification of the Actions taken at the Louisiana Utilities Restoration Corporation April 28, 2009 Board of Directors Meeting**

**At the request of Commissioner Field.**

On motion of Commissioner Field, seconded by Commissioner Holloway, with Commissioners Boissiere and Skrmetta concurring and Commissioner Campbell temporarily absent, the Commission voted to accept the Staff recommendation and ratify each of the actions taken by the LURC Board with the exception of Item 5. That item is not recommended for ratification simply because the Annual Report is not yet final, awaiting the completion of a financial statement.

Ex. 10      **T-30896** - Louisiana Public Service Commission vs All American Movers of Baton Rouge (Baton Rouge, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45, 163.1 through 194, as amended, by operating Intrastate without L.P.S.C. authority, and a violation of La. R.S. 45:164 E (1), by engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164 E (1).

**In re: Stipulated Agreement**

**At the request of Commissioner Field.**

On motion of Commissioner Field, seconded by Commissioner Holloway, with Commissioners Boissiere and Skrmetta concurring and Commissioner Campbell temporarily absent, the Commission voted to accept the Staff recommendation and accept the agreement between Staff and the Carrier, wherein the Carrier agreed to plead guilty, agreed to a fine of \$500.00, with \$250.00 suspended, and agreed to pay a citation fee of \$25.00, said fine and citation fee to be paid within 15 days of the issuance of the Order herein and further agreed that the amount suspended was on the condition that he cease operations, that the Carrier apply for LPSC authority within 60 days of the Order and cease operations while the application was pending.

- Ex. 11      **T-30960** - Louisiana Public Service Commission vs Frederick Wilson Towing Co., Inc. (New Orleans, Louisiana) In Re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, and General Order dated October 2, 2008 while operating under LPSC authority 6703, for no disclaimer on invoice allegedly having occurred on or about March 29, 2009.

**In re: Motion to invoke Rule 57**

**At the request of Commissioner Boissiere.**

**PULLED**

- Ex. 12      Entergy Services, Inc. FERC Docket NO. ER08-1056

**In re: Possible Executive Session pursuant to La. R.S. 42:6.1 to discuss litigation strategy.**

On motion of Commissioner Field, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to go into Executive Session.

On motion of Commissioner Field, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to come out of Executive Session.

On motion of Commissioner Field, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to take an item up out of order.

On motion of Commissioner Field, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to authorize Stone Pigman to enter into the Settlement on behalf of the Commission as outlined in the Term Sheet discussed in the Executive Session.

On motion of Commissioner Skrmetta, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to adjourn the B&E.

**MEETING ADJOURNED**

The next Business and Executive Session will be held June 11, 2009 at 9:00 a.m. in Baton Rouge, Louisiana.